IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

AND
THE HON'BLE SRI JUSTICE T.Ch.SURYA RAO

WRIT PETITION No. 4213 of 2005

Between:

Potla Bathini Krishna Murthy, S/o. P.Mallaiah,
r/o Chinnapendyal (V), Ghanpur Station, Warangal District.

..... PETITIONER

AND

1 The Asst. Secretary, Regional Transport Authority, Warangal.
2 The Asst. Motor Vehicle Inspector, (Enforcement), Warangal,

Warangal District.
3 The Station House Officer, P.S. Ghanpur, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the impugned Check Report dt.21-2-2005 vide Check Report No.1972388, seized by respondent No.2, as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the petitioner's vehicle i.e., Auto Trally AP36/U-9709, which was seized pursuant to the vehicle Check report No.1972388, dt.21-2-2005 of the 2nd respondent to the petitioner herein forthwith, by accepting one year tax of Rs.2,840/- in respect of the said vehicle.

Counsel for the Petitioner: Mr.JOGRAM TEJAVAT

Counsel for the Respondents: G.P. FOR TRANSPORT

The Court at the admission stage made the following :

ORDER: (per Sri Justice T.Ch.Surya Rao)

Under a vehicle check report dated 21-2-2005, the vehicle of the petitioner viz., Auto Trolley bearing No.AP-36-U-9709 was seized for certain infractions said to have been committed by the petitioner by not producing the PUC token and the insurance certificate of the vehicle. The petitioner, by a representation dated 23-2-2005, submitted to the Road Transport Officer, Warangal, *inter alia* sought to explain the reasons for not paying the tax. It is his representation that the vehicle in question met with an accident on 20-3-2002 and, therefore, it was kept in the garage for the purpose of effecting repairs. Since the vehicle was not plying, he could not pay the tax and pleaded *inter alia* in his representation that instalments be granted to pay the tax and to permit him to run the Auto and to pay the tax. Now, the grievance of the petitioner is that his representation was not considered by the authorities and the vehicle in question was not given custody to him.

We have heard the learned counsel for the petitioner and the learned Govt. Pleader for Transport.

The tax due on the vehicle appears to be a sum of Rs.8,520/-. Having regard to the financial capacity of the petitioner and the fact that he is owner of Auto Trolley and he ekes out his livelihood by plying the said vehicle, we are inclined to direct the authorities to release the vehicle in favour of the petitioner on the condition of the petitioner paying the tax amount of Rs.8520/- and if the petitioner furnishes an undertaking that he will not alienate the vehicle or otherwise dispose of the same and will produce the vehicle as and when required by the authorities, and direct the authorities to dispose of the representation made by the petitioner by conducting enquiry as envisaged under the Motor Vehicles Taxation Act and dispose of the same as per law by passing appropriate orders.

The writ petition is disposed of with the above directions. No order as to costs.

_____

(M.H.S.ANSARI, J.)

7th March 2005.

_____

(T.Ch.SURYA RAO, J.)

ARS

Note: Issue CC on priority basis.

To

1 The Asst. Secretary, Regional Transport Authority, Warangal.
2 The Asst. Motor Vehicle Inspector, (Enforcement), Warangal,

Warangal District.
3 The Station House Officer, P.S. Ghanpur, Warangal District.

4 One CC to Mr. Jogram Tejavath

5 Two C.Cs. to Govt. Pleader for Transport, High Court Bldgs.,

Hyderabad (OUT).

6 Two CD copies.